

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LESTER R. MOORE, #1186047	§	
VS.	§	CIVIL ACTION NO. 9:05cv25
DOUGLAS DRETKE, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Lester R. Moore, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that the case should be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff has filed objections to the Report and Recommendation.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by the plaintiff are without merit.

The plaintiff alleged that the defendants were deliberately indifferent to his serious medical needs. The facts as alleged and developed by a *Martinez* Report¹ reveal that the plaintiff was

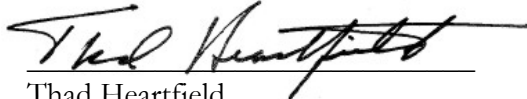
¹*Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978) (cited with approval by the Fifth Circuit in *Cay v. Estelle*, 789 F.2d 318 (5th Cir. 1986)). See also *Norton v. Dimazana*, 122 F.3d 286 (5th Cir. 1997).

provided extensive medical care for him. The defendants were responsive to his medical needs. His job assignments were appropriate in light of the medical conclusions of medical personnel, and the disciplinary cases he received for failing to work under the circumstances do not give rise to an inference of deliberate indifference. The plaintiff did not provide any specific arguments in support of his objections; instead, he simply disagreed with the conclusions and asked for a *de novo* review. The plaintiff has not shown that the Report and Recommendation was incorrect and that it should be rejected. Therefore the Court adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 22 day of July, 2005.


Thad Heartfield
United States District Judge